

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DERRICK J. CUNNINGHAM,

Defendant-Appellant.

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UNPUBLISHED

February 25, 2003

No. 238170

Wayne Circuit Court

LC No. 01-000558

Before: Kelly, P.J. and White and Hoekstra, JJ

MEMORANDUM.

Defendant appeals as of right his jury conviction for felonious assault, MCL 750.82, resisting and obstructing a police officer, MCL 750.479, carrying a concealed weapon, MCL 750.227, and possession of a firearm during commission of a felony, MCL 750.227b. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first argues that his convictions were not supported by sufficient evidence. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992). The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000). Viewed in a light most favorable to the prosecution, the testimony of the arresting officers allowed the jury to find that the elements of the crimes were proven beyond a reasonable doubt.

Next, defendant argues he was denied the effective assistance of counsel. We disagree. To establish an ineffective assistance of counsel claim, defendant first must show that counsel's performance was below an objective standard of reasonableness under prevailing professional norms. The defendant must overcome a strong presumption that counsel's actions constituted sound trial strategy. Second, the defendant must show that there is a reasonable probability that, but for counsel's error, the result of the proceeding would have been different. *People v Pickens*, 446 Mich 298, 308-327; 521 NW2d 797 (1994). Defendant has failed to show that he was denied the effective assistance of counsel. The minor errors alleged by defendant were not serious mistakes that affected the outcome of the trial.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Helene N. White

/s/ Joel P. Hoekstra